

5497. Adulteration of frozen ocean pout fillets. U. S. v. 499 Boxes of Ocean Pout Fillets. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of the unfit portion. (F. D. C. No. 10125. Sample Nos. 56541-F, 56561-F.)

On June 22, 1943, the United States attorney for the Southern District of New York filed a libel against 499 boxes of ocean pout fillets at Bronx, New York, alleging that the article had been shipped on or about June 7, 1943, by the New Bedford Fillet Co., New Bedford, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, parasitized and diseased fish, and in that it was in whole or in part the product of a diseased animal.

On August 4, 1943, Leo Allen, doing business at the New Bedford Fillet Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion.

5498. Misbranding of canned salmon. U. S. v. Whitney and Company, and Elizer Caraco (E. Caraco). Pleas of nolo contendere. Fines, \$400 and costs. (F. D. C. No. 7280. Sample No. 58659-E.)

On September 1, 1942, the United States attorney for the Western District of Washington filed an information against Whitney and Company, a corporation, and Elizer Caraco, trading as El. Caraco, Seattle, Wash., alleging shipment in interstate commerce on or about September 26, 1941, from the State of Washington into the State of Minnesota, of a quantity of canned salmon that was misbranded. The article was labeled in part: (Cans) "Farbest * * * Select Salmon * * * Packed * * * For Farwest Fisheries Inc. Seattle."

It was alleged to be misbranded in that the statement "Select Salmon Natural Red Color and Oil" and the design of a cut of salmon on a plate showing the red color on the exposed surface of the meat, displayed upon the can label, were false and misleading since they represented and suggested that the article consisted of a select grade of salmon of the species known as red salmon, whereas it consisted of a low grade salmon of a different species, namely, King salmon; and in that its containers were so filled as to be misleading, since the average fill of the containers was only 87.71 percent of the capacity.

On January 11, 1943, pleas of nolo contendere having been entered by the defendants, the court sentenced each defendant to pay a fine of \$200, and one-half of the costs.

5499. Adulteration and misbranding of canned shrimp and adulteration of canned Oceanburger. U. S. v. The Nomis Corporation. Plea of guilty. Fine, \$500 on count 1; sentence suspended on counts 2 and 3. (F. D. C. No. 7195. Sample Nos. 59492-E, 59493-E, 59496-E.)

On October 28, 1942, the United States attorney for the Southern District of Florida filed an information against the Nomis Corporation at Jacksonville, Fla., alleging shipment on or about November 5, 1941, from the State of Florida into the State of Virginia of a quantity of canned shrimp that was adulterated and misbranded and canned oceanburger that was adulterated. The articles were labeled in part: "Penguin Brand Wet Packed Drained Weight 5 $\frac{3}{4}$ Ozs. Medium Shrimp," or "Penguin Brand Oceanburger."

The canned shrimp was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance. The canned Oceanburger was alleged to be adulterated in that it consisted in whole or in part of a decomposed substance by reason of the fact that it was underprocessed and was undergoing progressive spoilage.

The canned shrimp was alleged to be misbranded in that the statement "Drained Weight 5 $\frac{3}{4}$ Ozs.," appearing on the label, was false and misleading since the cans did not contain 5 $\frac{3}{4}$ ounces drained weight of shrimp but did contain a smaller amount; and in that it was food in package form and its label failed to bear an accurate statement of the quantity of the contents.

On October 21, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500 on count 1, which charged adulteration of the canned shrimp, and suspended imposition of sentence on the remaining 2 counts.

5500. Adulteration of cooked peeled shrimp. U. S. v. 9 Barrels and 30 Barrels of Cooked Peeled Shrimp. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of unfit portion. (F. D. C. Nos. 10508, 10509. Sample No. 29840-F.)

On August 27, 1943, the United States attorney for the Northern District of California filed a libel against 39 barrels, each containing 17 or 18 5-pound